

**Senate Bill No. 238**

\_\_\_\_\_

Passed the Senate August 22, 2005

\_\_\_\_\_

*Secretary of the Senate*

\_\_\_\_\_

Passed the Assembly August 18, 2005

\_\_\_\_\_

*Chief Clerk of the Assembly*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_

*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 97 to, and to add and repeal Section 97.3 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to streets and highways.

## LEGISLATIVE COUNSEL'S DIGEST

SB 238, Migden. Safety Enhancement-Double Fine Zones: Golden Gate Bridge.

Existing law provides for the designation of a specified segment of a state highway as a Safety Enhancement-Double Fine Zone.

This bill would, until January 1, 2010, designate the Golden Gate Bridge as a Safety Enhancement-Double Fine Zone, upon approval of a resolution in that regard by the Golden Gate Bridge, Highway and Transportation District. The bill would also establish standards for a designation of a highway or road segment as Safety Enhancement-Double Fine Zone and require the Department of Transportation to prepare an evaluation of the effectiveness of each zone. The bill would impose an increased penalty for certain traffic violations committed in a Safety Enhancement-Double Fine Zone.

*The people of the State of California do enact as follows:*

SECTION 1. Section 97 is added to the Streets and Highways Code, to read:

97. (a) In order to be designated by statute as a Safety Enhancement-Double Fine Zone, a highway or road segment shall have experienced a significant number of traffic accidents, injuries, and fatalities within the prior three-year period, and other traffic safety measures that have been undertaken shall have not appreciably reduced the level of those incidents.

(b) The concurrence in the designation of the Department of the California Highway Patrol or local agency having traffic enforcement jurisdiction, as the case may be, shall be required prior to designation of the zone pursuant to statute, along with a resolution supporting the designation from the city, or county

with respect to an unincorporated area, in which the segment is located.

(c) Each local governing body where a double fine zone is designated by statute in its jurisdiction shall, prior to the establishment of a double fine zone, do the following:

(1) Undertake a public awareness campaign to inform the public of the double fine zone designation, where it is located, its purpose, and its consequences.

(2) Where appropriate, increased traffic safety enhancements, enforcement, and other roadway safety measures shall be implemented in coordination with the establishment of the double fine zone.

(d) A Safety Enhancement-Double Fine Zone is subject to the rules and regulations adopted by the department prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for traffic violations that are committed within a Safety Enhancement-Double Fine Zone.

(e) The department or the local authority having jurisdiction over these highway and road segments shall place and maintain the warning signs identifying these segments by stating that a “Special Safety Zone Region Begins Here” and a “Special Safety Zone Ends Here.” The department shall adopt rules and regulations for the administration of a Safety Enhancement-Double Fine Zone under this section.

(f) Safety Enhancement-Double Fine Zones do not increase the civil liability of the state or local authority having jurisdiction over the highway segment under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.

(1) Only the base fine shall be enhanced pursuant to this section.

(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.

(g) The projects specified as a Safety Enhancement-Double Fine Zone shall not be elevated in priority for state funding purposes.

(h) The term for a Safety Enhancement-Double Fine Zone shall be limited to four years.

(i) The Department of Transportation shall conduct an evaluation of the effectiveness of all double fine zones that will terminate the same calendar year and submit its findings in one report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing one year prior to the termination of the double fine zones. The report shall include a recommendation on whether the zones should be reauthorized by the Legislature.

SEC. 2. Section 97.3 is added to the Streets and Highways Code, to read:

97.3. (a) The 1.73-mile segment that is the Golden Gate Bridge shall be a Safety Enhancement-Double Fine Zone upon approval of a resolution in that regard by the Golden Gate Bridge, Highway and Transportation District. The district, in consultation with the department, shall assume all responsibilities that would otherwise accrue to the department for the administration of the Safety Enhancement-Double Fine Zone designated pursuant to this section.

(b) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 3. Section 42010 is added to the Vehicle Code, to read:

42010. (a) For any offense specified in subdivision (b) that is committed by the driver of a vehicle within an area that has been designated as a Safety Enhancement-Double Fine Zone pursuant to Section 97 and following of the Streets and Highways Code, the fine, in a misdemeanor case, shall be double the amount otherwise prescribed, and, in an infraction case, the fine shall be one category higher than the penalty otherwise prescribed by the uniform traffic penalty schedule established pursuant to Section 40310.

(b) A violation of any of the following provisions is an offense that is subject to subdivision (a):

(1) Chapter 3 (commencing with Section 21650) of Division 11, relating to driving, overtaking, and passing.

(2) Chapter 7 (commencing with Section 22348) of Division 11, relating to speed limits.

- (3) Section 23103, relating to reckless driving.
- (4) Section 23104, relating to reckless driving that results in bodily injury to another.
- (5) Section 23109, relating to speed contests.
- (6) Section 23152, relating to driving under the influence of alcohol or a controlled substance, or a violation of Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.
- (7) Section 23153, relating to driving under the influence of alcohol or a controlled substance, which results in bodily injury to another.
- (8) Section 23220, relating to drinking while driving.
- (9) Section 23221, relating to drinking in a motor vehicle while on the highway.
- (10) Section 23222, relating to driving while possessing an open alcoholic beverage container.
- (11) Section 23223, relating to being in a vehicle on the highway while possessing an open alcoholic beverage container.
- (12) Section 23224, relating to being a driver or passenger under the age of 21 possessing an open alcoholic beverage container.
- (13) Section 23225, relating to being the owner or driver of a vehicle in which there is an open alcoholic beverage container.
- (14) Section 23226, relating to being a passenger in a vehicle in which there is an open alcoholic beverage container.
- (c) This section applies only when traffic controls or warning signs have been placed pursuant to Section 97.3 of the Streets and Highways Code.
- (d) (1) Notwithstanding any other provision of law, the enhanced fine imposed pursuant to this section shall be based only on the base fine imposed for the underlying offense and shall not include any other enhancements imposed pursuant to law.
- (2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.





Approved \_\_\_\_\_, 2005

---

*Governor*